

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA : AFFIRMATION AND  
: APPLICATION  
- v. - : S2 16 Cr. 776 (VEC)  
JOSEPH PERCOCO, :  
a/k/a "Herb," :  
PETER GALBRAITH KELLY, JR., :  
a/k/a "Braith," :  
STEVEN AIELLO, :  
JOSEPH GERARDI, :  
  
Defendants. :  
- - - - - x

ROBERT L. BOONE, pursuant to Title 28, United States  
Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the  
office of Joon H. Kim, Acting United States Attorney for the  
Southern District of New York.

2. I am one of the federal prosecutors in charge  
of the prosecution of JOSEPH PERCOCO, a/k/a "Herb," PETER  
GALBRAITH KELLY, JR., a/k/a "Braith," STEVEN AIELLO, and JOSEPH  
GERARDI, the defendants, in the case entitled United States v.  
Joseph Percoco, et. al, S2 16 Cr. 776 (VEC), for violations of  
Title 18, United States Code, Sections 666(a)(2), 666(a)(1)(B),  
1001(a)(2), 1349, 1951, and 2.

3. I make this Affirmation and Application, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for an order to unseal the material listed in Paragraph 4 of this application. The material contains relevant information to the prosecution of the above-captioned defendants and the Government intends to produce it to defense counsel in compliance with the Office's obligations under the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3500, as well as Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and their progeny.

4. Specifically, the Government seeks to unseal the following material for the limited purpose of allowing production to defense counsel and their use at trial in this case: the Grand Jury transcript re: Yanina Daigle, dated October 13, 2016.

WHEREFORE, it is respectfully requested that the Court grant this Application for an Order unsealing the material

described in Paragraph 4 of this Application for the limited purposes set forth therein.

Dated:      New York, New York  
November \_\_\_, 2017

SO ORDERED:

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HONORABLE VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE